

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Petition of )

CELLULAR COMMUNICATIONS OF )  
PUERTO RICO, INC. )

For Declaratory Ruling or Rulemaking To )  
Determine Whether Competitive Bidding )  
Procedures Should Be Used to License Certain )  
Cellular Rural Service Areas )

RM-8897

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To: Chief, Commercial Wireless Division,  
Wireless Telecommunications Bureau

OPPOSITION TO  
MOTION TO STRIKE REPLY COMMENTS OF CENTURY CELLUNET, INC.

Century Cellunet, Inc. ("Century"), by its attorney, hereby submits its opposition to RSA Operators Group's ("RSAOG's") motion to strike Century's reply comments in the above-referenced proceeding. RSAOG bases its motion on the assertion that Century's pleading was not served on the numerous applicants for the remaining RSA licenses and, accordingly, constituted a violation of the agency's *ex parte* rules.

RSAOG's contention that Century's pleading is an *ex parte* violation is simply ludicrous. The Public Notice inviting comment on the above-captioned petition stated specifically that this rulemaking is being treated as a non-restricted proceeding, and accordingly, the service requirements referenced by RSAOG are not relevant. *See* 47 C.F.R. § 1.1206. Further, even if it could somehow be construed that Century's pleading in the rulemaking proceeding directly relates to one of the restricted RSA application proceedings,

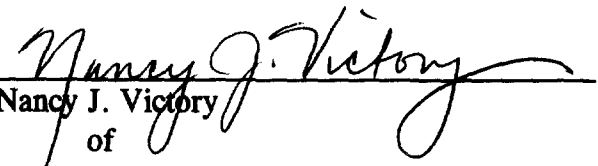
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the service requirements RSAOG suggests would still not apply. As mentioned above, Century's reply comments were filed in response to the explicit request of the Commission in Public Notice, DA 96-1685 (released Oct. 24, 1996). As such, Century's reply comments would fall into the exception in Section 1.1204(b)(7) for presentations "requested by the Commission or staff for the clarification or adduction of evidence or for resolution of issues." 47 C.F.R. § 1.1204(b)(7).

For the foregoing reasons, RSAOG's motion is wholly without merit and should be promptly denied.

Respectfully submitted,  
CENTURY CELLUNET, INC.

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December 23, 1996

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of December, 1996, I caused copies of the foregoing Opposition to Motion to Strike Reply Comments of Century Cellunet, Inc. to be mailed via first-class postage prepaid mail to the following:

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